

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 12-42052

DAVID J. CAREY,

Chapter 7

Debtor.

Judge Thomas J. Tucker

ORDER DENYING DEBTOR'S MOTION TO REOPEN BANKRUPTCY CASE

On January 31, 2012, Debtor filed a voluntary petition for relief under Chapter 7, commencing this case. On May 1, 2012, the Court entered an order granting Debtor a discharge under 11 U.S.C. § 727, and ultimately, the bankruptcy case was closed on February 11, 2013.

Eight months later, on October 14, 2013, Debtor filed a motion, entitled "Motion to Reopen Case for the Purpose of Filing a Reaffirmation Agreement RE: JP Morgan/Chase Mortgage" (Docket # 16, the "Motion"). The Motion seeks "to reopen this case for the sole purpose of allowing [J.P. Morgan Chase Bank ("Chase")] to file the Reaffirmation Agreement" between Debtor and Chase. (*See* Motion at ¶ 14.) The Motion states that Debtor signed the Reaffirmation Agreement on April 24, 2012 and mailed it to Chase. But the Motion does not allege or demonstrate that Chase signed the Reaffirmation Agreement in question before the Debtor obtained his discharge in this case on May 1, 2012.

Under 11 U.S.C. § 524(c)(1), a reaffirmation agreement is not enforceable unless it "was made before the granting of the discharge under section 727." Because the Motion fails to demonstrate that a reaffirmation agreement was made (*i.e.*, signed by both the Debtor and the creditor Chase) before the discharge order was entered in this case, the Debtor has failed to show that there can be an enforceable reaffirmation agreement between these parties.

For this reason, Debtor has failed to demonstrate that any purpose would be served by reopening this bankruptcy case. The Motion has not demonstrated any cause or other valid reason for reopening this case. *See* 11 U.S.C. § 350(b). Accordingly,

IT IS ORDERED that the Motion (Docket # 16) is denied.

Signed on November 19, 2013

/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge